

REMARKS

The present response amends claims 8, 18, 25, and 29. In addition, claim 14 has been canceled without prejudice or disclaimer as to the subject matter therein. Claims 8-13 and 15-29 are pending in the captioned case. Further examination and reconsideration of the presently claimed application are respectfully requested.

Claim Objections

Objections were lodged against claims 8-29 for various informalities. Specifically, the term “signals” used in various claims was stated to be unclear. In response thereto, Applicants wish to point out that, indeed, signals can be taken at various times and at certain predetermined intervals. Thus, the claimed magnetic field sensor can send, if necessary, multiple signals to an analyser unit as set out in, for example, page 5, lines 8-18 and 28-30; page 7, lines 28-30; and page 9, lines 24-28, of the present specification. Alternatively, a continuous reading can be taken with the values changing over time. Those values can correspond to signals, with each value being a separate signal similar to, for example, a binary value or signal within a continuous stream of bit readings. Therefore, Applicants believe the use of the term “signals” is clear when read in light of the present specification. In addition, in accordance with Figs. 2-3, a sensor 1 can have partial sensors 1x, 1y, and 1z, each of which sends a signal. Thus, sensor 1 can send “signals” to an analyser unit 3 as shown in Figs. 2-3 and described on page 14, lines 11-28, of the present specification.

As to claims 14 and 25, the phrase “signals the entry of the value to memory when this limit is exceeded” was stated to be unclear. In response thereto, the phrase has been amended to “stores the computed multiple values in the memory when this limit is exceeded.” It is believed the amended language obviates this objection.

As to claims 18 and 29, the phrase “in a device housing or its package” was stated to be unclear. In response thereto, this phrase has been deleted. It is believed the amendments obviate this objection.

It is believed that all claim objections have been addressed or corrected. Accordingly, Applicants respectfully request removal of this objection in its entirety.

Section 102 Rejection

Claims 8, 10-12, 14, and 16-18 were rejected under 35 U.S.C. § 102(b) as being anticipated by “Portable magnetic field dosimeter with data acquisition capabilities,” by Fujita et al. (hereinafter “Fujita”). The standard for “anticipation” is one of fairly strict identity. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art of reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP 2131. Furthermore, anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, as arranged in the claim. *W.L. Gore & Assocs. V. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983). Using these standards, Applicants submit the cited art fails to disclose each and every element of the currently pending claims, some distinctive features of which are set forth in more detail below.

Fujita does not teach or suggest storing only multiple computed values in memory when a predetermined limit is exceeded. Present independent claim 8 has been amended to include the subject matter from claim 14. Claim 8 describes a discriminator that compares multiple values sent from the magnetic field sensor with a predetermined limit. Only the multiple values are stored in memory when the limit is exceeded.

Contrary to independent claim 8, Fujita describes storage of (1) average values, (2) average values as a function of time, (3) peak values, and (4) the number of times that a threshold is exceeded (Fujita -- pg. 329-330, ¶ 6). Thus, Fujita stores more than multiple values that exceed a predetermined limit. In addition, it appears that of the values that exceed a predetermined limit, Fujita only stores the peak value of the magnetic field B^2 or the peak value of the magnetic field as a function of time dB/dt . Storing only the peak value is not substantially the same as or equivalent to storing multiple values that exceed a predetermined threshold. Also, storing only the number of times a threshold is exceeded is not the same as storing the value that exceeds the threshold.

For at least the foregoing reasons, Applicants assert that independent claim 8 and claims dependent therefrom are not anticipated by Fujita. Accordingly, Applicants respectfully request removal of this rejection.

Section 103 Rejection

Claims 9, 13, and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujita in view of DE 19809076 to Haase et al. (hereinafter “Haase”). Claims 19-22, 24, 25, and 27-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujita in view of JP 4324353 to Hosohara (hereinafter “Hosohara”). Claims 20, 24, and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujita, Hosohara, and Haase.

Applicants assert that dependent claims 9, 13, and 15 are patentable over Fujita for at least the same reasons as their base claim 8 which is discussed above. In addition, Haase has similar shortcomings to that of Fujita. For example, Haase in no way suggests an analyser unit which performs a differentiation as a function of time. As discussed in more detail in the Response filed January 5, 2006 (incorporated herein by reference), differentiation and integration are quite dissimilar from each other. Instead of teaching differentiation, Haase specifically describes integration. Thus, the combination of Fujita and Haase cannot be applied to dependent claims 9, 13, and 15.

The combination of Fujita and Hosohara are properly combinable to teach the limitations of present independent claim 19. *Prima facie* obviousness is not met since Hosohara is from non-analogous art thereby making the combination of Fujita and Hosohara impermissible. As set forth in MPEP 2141.01(a), determination of what is “analogous prior art,” the reference must either (1) be in the field of the applicant’s endeavor or (2) be reasonably pertinent to the particular problem with which the present inventor was concerned. *In re Oetiker*, 977 F.2d 1443 (Fed. Cir. 1992).

As to the first test, the field of the present applicant’s endeavor is to determine whether readings taken from a magnetic field sensor exceed a predetermined threshold. One purpose of making such a determination is to ascertain whether an operator, armed with the present device, is

placing himself or herself in danger by subjecting their body to an exceedingly high magnetic field. *See*, for example, the present specification. While Fujita describes measuring a magnetic field and a permissible dosage from such field, a skilled artisan would not look to the flaw detection circuitry of Hosohara to provide the nexus applicable to present claim 19. Hosohara specifically describes flaw detection circuitry for gas piping -- a field nowhere in Applicant's endeavor.

As to the second test, detecting a peak flaw detection value for gas piping is in no way pertinent to the particular problem of ascertaining and storing magnetic field dosages above a predetermined threshold. Flaw detection would not logically lend itself to a skilled artisan's attention when considering a solution to the problem of monitoring magnetic fields to see whether a subject is placing himself or herself in danger. Simply put, flaws in a pipe do not equate to nor would it reasonably avail itself to determining proper dosages of magnetic fields applied to an operator. Therefore, non-analogous art is the antithesis of *prima facie* obviousness. *In re Pagliaro*, 657 F.2d 1219 (CCPA 1981). *Prima facie* obviousness must be defeated because a person of ordinary skill in the claimed art would never be apprised of the remote art of Hosohara.

For at least the reasons set forth above, Applicants assert that independent claim 19 and claims dependent therefrom are not obvious or Fujita, Hosohara, or Haase. Accordingly, Applicants respectfully request removal of this rejection in its entirety.

CONCLUSION

The present amendment and response is believed to be a complete response to the issues raised in the Office Action mailed April 20, 2006. In view of the remarks herein, Applicants assert that pending claims 8-13 and 15-29 are in condition for allowance. If the Examiner has any questions, comments, or suggestions, the undersigned earnestly requests a telephone conference.

No fees are required for filing this amendment; however, the Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment, to Daffer McDaniel, LLP Deposit Account No. 50-3268/5858-00700.

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